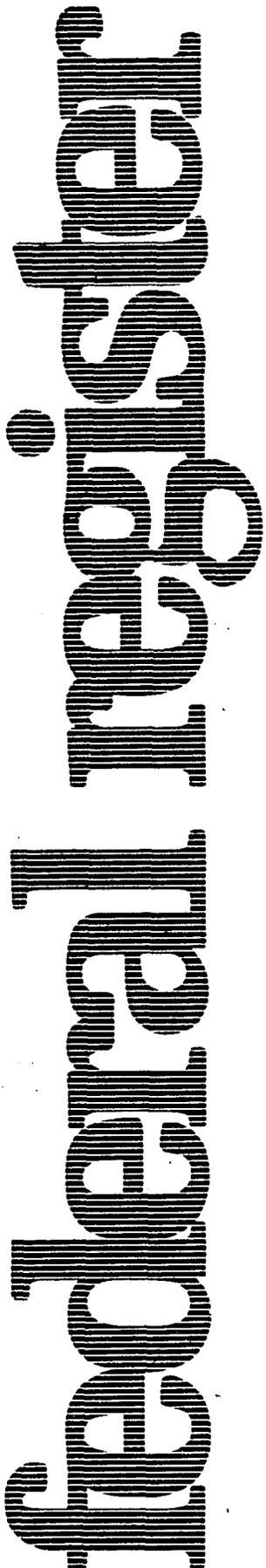

Tuesday
March 19, 1985



Selected Subjects

Administrative Practice and Procedure

Interior Department
Justice Department

Air Pollution Control

Environmental Protection Agency

Aviation Safety

Federal Aviation Administration

Banks, Banking

Federal Deposit Insurance Corporation

Biologics

Food and Drug Administration

Cotton

Agricultural Marketing Service

Credit

Federal Reserve System

Food Grades and Standards

Agricultural Marketing Service

Foreign Banking

Federal Deposit Insurance Corporation

Grant Programs—Social Programs

ACTION

Hazardous Materials Transportation

Research and Special Programs Administration

Hazardous Waste

Environmental Protection Agency

CONTINUED INSIDE

regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AGL-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of their NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V-12N between Appleton and Dayton, OH. the airway is no longer used as an arrival route to Dayton, OH, and is seldom filed by pilots. If filed, it is necessary to reclear aircraft to conform to existing arrival/departure areas. Revocation of the infrequently filed airway would help to simplify the route structure. This action is also consistent with FAA's agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway designations from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an

established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-12 [Amended]

By deleting the words "including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, OH, 083° radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on March 8, 1985.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-6450 Filed 3-18-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 115

Individual Indian Money Accounts

February 15, 1985.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule which amends 25 CFR Part 115 by adding a new § 115.10 that will provide individual Indian money account holders due process procedures which are not now in the existing regulations; deleting the present § 115.13 as it now reads and renumbering it as § 115.14 which will

clarify and streamline the appeal procedures; and renumbering the present §§ 115.10 through 115.13 as §§ 115.11 through 115.14.

DATE: Comments must be submitted on or before April 18, 1985.

ADDRESS: Send written comments to John W. Fritz, Deputy Assistant Secretary—Indian Affairs (Operations), Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Barbara C. Davis, Program Coordination Staff, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone number (202) 343-2963.

SUPPLEMENTARY INFORMATION: These amendments to 25 CFR Part 115 are being made to provide due process which, in *Kennerly v. United States*, 721 F.2d 1252 (9th Cir. 1983), was found to be wanting in the existing regulations with respect to the payment of claims from Individual Indian Money Accounts, as authorized by 25 CFR 115.9.

This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding this proposed rule.

This document, when final, will provide due process procedure which was found to be wanting in the existing regulations, with respect to the payment of claims from IIM accounts, as authorized by 25 CFR 115.9.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

The Department of the Interior has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1983.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3504 (b)(6).

The primary author of this document is Barbara C. Davis, Program Coordination Staff, Office of Trust Responsibilities, Bureau of Indian Affairs, telephone number (202) 343-2963.

List of Subjects in 25 CFR Part 115
Indians—business and finance. *

PART 115—INDIVIDUAL INDIAN MONEY ACCOUNTS

For the reasons set out in the preamble, Part 115 of Chapter I Title 25 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for Part 115 reads as follows:

Authority: R.S. 441, as amended, R.S. 463, R.S. 465, 5 U.S.C. 301; 25 U.S.C. 2, 9; 43 U.S.C. 1457.

§ 115.13 [Redesignated as § 115.14]

2. Section 115.13 is redesignated as 115.14 and revised to read as follows:

§ 115.14 Appeals.

Appeals from an action taken by an official of the Bureau of Indian Affairs may be taken pursuant to 25 CFR Part 2.

§§ 115.10—115.12 [Redesignated as §§ 115.11—115.13]

3. Sections 115.10, 115.11, and 115.12 are redesignated as §§ 115.11, 115.12, and 115.13, respectively.

4. A new § 115.10 is added to read as follows:

§ 115.10 Procedures relative to restrictions.

(a) If an individual's access to funds in the individual's Indian money account is limited, or it is proposed to pay creditors pursuant to section 115.9, the individual must be notified in writing as follows:

(1) The notice must be given to the individual affected at the commencement of the restriction or at least 40 days prior to involuntary distribution of funds from the account.

(2) The notice must state the reasons giving rise to the restriction or proposed payment.

(3) The notice shall inform the individual of the right to a hearing and that a request for a hearing must be in writing, received by the Secretary, or an authorized representative, within 30 days of receiving the notice of proposed action.

(4) The notice of proposed action shall be sent by Certified Mail-Return Receipt Requested.

(5) The notice shall state that a copy of the rights listed in paragraph (c) of this section are transmitted along with the notice.

(b) If the individual fails to request a hearing, the individual is deemed to consent to the continued limitation on and/or disbursement of funds from the IIM Account in accordance with the terms of the notice.

(c) The Secretary, or an authorized representative, shall conduct a hearing, if so requested as specified above, to determine whether to continue to restrict the Individual Indian Money Account, and/or allow payment of claims from such accounts. The following are requirements for such a fair hearing:

(1) The hearing shall be held within 10 working days of the Secretary's, or an authorized representative's, receipt of the request for a hearing.

(2) The individual must be given the opportunity to be heard. This includes the right to hear the case against the individual; to present testimony, to present witnesses, and to question and rebut opposing witnesses. This includes the right to orally present arguments and evidence.

(3) If the individual desires an attorney or other representative, one may be retained at the individual's own expense.

(4) The decision to uphold or overturn the proposed action, must be made by the Secretary, or an authorized representative, and must be based on information presented or referred to at the hearing.

(5) The Secretary, or an authorized representative, shall make provisions for recording the hearing and shall preserve the record for the duration of the appeal period. Tape recording the hearing is sufficient.

(6) The Secretary, or an authorized representative, will advise all parties concerned, in writing, of a decision within 10 working days after completion of the hearing.

(d) No money shall be paid from an Individual Indian Money Account to a creditor until a final decision on the claim is rendered.

John W. Fritz,
Deputy Assistant Secretary—Indian Affairs
(Operations).

[FR Doc. 85-6322 Filed 3-18-85; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-153-81]

Penalties for Failure to Make a Return or Furnish a Statement Under Section 6039C; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to penalties for failure to make a return or furnish a statement under section 6039C that appeared in the *Federal Register* on January 6, 1983 (48 FR 647). The notice is being withdrawn because section 6039C was completely revised by the Tax Reform Act of 1984.

FOR FURTHER INFORMATION CONTACT: Robert E. Culbertson Jr. of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR-153-81), 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking under section 6652(g) that appeared in the *Federal Register* January 6, 1983 (48 FR 647). The notice proposed regulations on penalties relating to the requirements of section 6039C of the Internal Revenue Code of 1954. Section 6039C required extensive information reporting as a means of enforcing the tax imposed on foreign investment in U.S. real property under section 897. Regulations under section 6652(g) were needed to provide the public and Internal Revenue Service with guidance concerning the applicability of penalties for failures to file information returns or furnish certain other statements required under section 6039C. Regulations are no longer necessary because the Tax Reform Act of 1984 substantially amends the reporting required under section 6039C. The reporting requirements have been limited because new Code section 1445 now provides for withholding of the tax imposed under section 897.

Drafting Information

The principal author of this document is Mary Elizabeth Dean of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document both in matters of substance and style.

Withdrawal of Proposed Amendments

The proposed amendments to 26 CFR Part 301, relating to penalties under section 6652(g) for failure to make a return or furnish a statement under section 6039C and published in the